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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,707	05/31/2000	Yousheng Cao	MINEP001	3822

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EXAMINER

NALEVANKO, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,707

Applicant(s)

CAO ET AL.

Examiner

Christopher R Nalevanko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 21 is dependent upon itself. Correction is required

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-5, 7, 8, 11, 18, 19, 21, and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sampat et al.

Regarding Claim 1, Sampat shows a method for delivery of scheduled broadcasted programs from a media delivery center to one or more client machines via a transmission media, the method comprising caching program content of broadcasted programs in local storage associated with the media delivery center, the broadcasted programs being produced externally (col. 4 lines 1-30, col. 8 lines 1-22), delivering the broadcasted programs to the one or more client machines by streaming the program content from the local storage to the one or more client machines via the transmission

medium (col. 13 lines 38-60), receiving a pause request from at least a particular one of the client machines requesting to pause a particular one of the programs (col. 6 lines 14-36, col. 12 lines 30-60), and performing the pause request by server-side retention of the program content for the particular one of the broadcasted programs so as to render the program content following the pause request to be subsequently available to a device chosen by a user of the particular one of the client machines (col. 13 lines 14-20, col. 16 lines 39-44).

Regarding Claim 3, Sampat shows that the programs are stored in a storage space on the media delivery center (col. 8 lines 17-22). Furthermore, Sampat shows that when paused, the program data stops playing through the MSP but the MSP still receives the data (col. 13 lines 14-20, col. 16 lines 39-45). This shows that data is still inputted to the MSP for processing and caching, but is not outputted to the user.

Regarding Claim 4, Sampat shows that the transmissions medium is a data network (fig. 1).

Regarding Claim 5, Sampat shows that the data is digital data (col. 7 lines 55-58).

Regarding Claim 7, Sampat shows receiving a play request from a client to receive a program that has been paused server-side, and in response to the play request, delivering the remaining portion of the program from storage on server-side to the client through the transmissions medium (col. 6 lines 15-30, col. 8 lines 1-22, col. 9 lines 5-26, col. 11 lines 5-15, col. 13 lines 14-20, col. 16 lines 1-45).

Regarding Claim 8, Sampat shows that a request includes device and location addresses for the location of the playing device (col. 25 lines 1-11, col. 30 lines 30-61).

Regarding Claim 11, Sampat shows that the transmissions medium is a data network (fig. 1).

Regarding Claim 18, Sampat shows a computer readable medium including computer program code for delivery of broadcasted programs from a media delivery center to one or more clients (col. 8 lines 50-67). All other limitations of the claim have been discussed with regards to Claim 1.

Regarding Claim 19, Sampat shows that the transmissions medium is a data network (fig. 1).

**The following claim rejection is made with the Examiner's best understanding of the limitations in light of the above 35 USC 112 2nd paragraph rejection.

Regarding Claim 21, Sampat shows that the programs are stored in a storage space on the media delivery center (col. 8 lines 17-22). Furthermore, Sampat shows that when paused, the program data stops playing through the MSP but the MSP still receives the data (col. 13 lines 14-20, col. 16 lines 39-45). This shows that data is still inputted to the MSP for processing and caching, but is not outputted to the user.

Regarding Claim 23, the limitations of the claim have been discussed with regards to Claim 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sampat et al in further view of Dunn et al.

Regarding Claim 2, Sampat fails to show that when the stream is paused, a location in the stream is recorded to denote the point of playback. Dunn shows that the server stores the time when the user paused so that the appropriate point is used for playback (col. 6 lines 29-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sampat with the pause indication time feature of Dunn so that the head-end would have a simple way of recognizing the start-point after the 'pausing' feature was completed.

4. Claims 6, 9, 13-17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampat et al in further view of Goode et al.

Regarding Claim 9, Sampat fails to show that the resuming location differs from the initial location. Goode shows the ability to resume a paused video at a different location than the location initially viewed (col. 14 lines 25-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sampat with the ability to view the remaining video at a different location so that if a user was logged into a different computer or location he or she could still finish the video.

Regarding Claim 6, Sampat fails to show the ability to determine if an account is able to pause. Goode shows a network manager that communication to the system if a user is allowed to perform a task and at what additional cost (col. 4 lines 30-46). It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sampat with the account manager to more efficiently manage certain client's access rights. Furthermore, Goode fails to specifically state the determination of an account being able to pause. Official Notice is given that is well known and expected in the art for a head-end to store a user's access rights and notify the user if he or she is not permitted to perform a task (or must pay extra). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sampat and Goode with the ability to notify a customer of a non-available service so that the customer was aware of this deficiency and may purchase the additional feature.

Regarding Claims 13 and 14, Sampat fails to show the ability to determine if an account is able to pause. Goode shows a network manager that communication to the system if a user is allowed to perform a task and at what additional cost (col. 4 lines 30-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sampat with the account manager to more efficiently manage certain client's access rights. Furthermore, Goode fails to specifically state the determination of an account being able to pause. Official Notice is given that is well known and expected in the art for a head-end to store a user's access rights and notify the user if he or she is not permitted to perform a task (or must pay extra). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sampat and Goode with the ability to notify a customer of a non-available service so that the customer was aware of this deficiency and may purchase the additional feature.

Regarding Claim 15, Sampat shows a media delivery server that provides media program content to client machines, the server comprising an access to a storage area that provides space for storing programs (col. 8 lines 1-25), a program streaming manager to stream content to clients (col. 8 lines 50-67, col. 12 lines 1-67), and a pause/replay manager for receiving and processing pause/replay requests (col. 11 lines 5-15, col. 12 lines 1-67). Sampat fails to show an account manager for determining a user's authorization level. Goode shows an account manager for determining what services are available to a user (col. 4 lines 32-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sampat with the account manager to more efficiently manage certain client's access rights.

Furthermore, Sampat and Goode fail to specifically state that the video streams are performed in accordance with a schedule. Official Notice is given that it is well known and expected in the art to schedule video deliveries. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sampat and Goode with a delivery schedule so that future video presentation could be known and provide users with future information.

Regarding Claim 16, Sampat shows that the transmissions medium is a data network (fig. 1).

Regarding Claim 17, Goode shows the use of MPEG (col. 6 lines 17-38).

Regarding Claim 22, Sampat fails to show the ability to determine if an account is able to pause. Goode shows a network manager that communication to the system if a user is allowed to perform a task and at what additional cost (col. 4 lines 30-46). It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sampat with the account manager to more efficiently manage certain client's access rights. Furthermore, Goode fails to specifically state the determination of an account being able to pause. Official Notice is given that is well known and expected in the art for a head-end to store a user's access rights and notify the user if he or she is not permitted to perform a task (or must pay extra). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sampat and Goode with the ability to notify a customer of a non-available service so that the customer was aware of this deficiency and may purchase the additional feature.

5. Claims 10, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampat et al.

Regarding Claim 10, Sampat fails to specifically state that the video streams are performed in accordance with a schedule. Official Notice is given that it is well known and expected in the art to schedule video deliveries. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sampat with a delivery schedule so that future video presentation could be known and provide users with future information.

Regarding Claim 12, Sampat shows the use of a variety of addresses to identify a user's receiving device (col. 25 lines 1-11, col. 30 lines 30-61). Sampat fails to specifically state that these addresses are IP addresses. Official Notice is given that it is well known and expected in the art to identify a receiver with an IP address. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

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made to modify Sampat with the use of an IP address so that the system used a conventional addressing system in order to be integrated with other conventional components.

Regarding Claim 20, the limitations of the claim have been discussed with regards to Claim 10.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bleidt et al U.S. Patent No. 5,671,377 discloses a system for supplying streams of data to multiple users by distributing a data stream to multiple processors and enabling each user to manipulate supplied data stream.

Remillard U.S. Patent No. 5,396,546 discloses an apparatus and method for automatic and user configurable information appliance.

Matthews, III et al U.S. Patent No. 6,025,837 discloses an electronic program guide with hyperlinks to target resources.

Long et al U.S. Patent No. 5,550,982 discloses a video application server.

Wolf et al U.S. Patent No. 5,461,415 discloses a look-ahead scheduling to support video-on-demand applications.

Basso et al U.S. Patent Application Publication No. 2002/0124262 discloses a network based replay portal.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 703-305-8093. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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